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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,642	10/20/2003	Hideo Sugimoto	P24397	1781

7055 7590 06/13/2005

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RESTON, VA 20191

EXAMINER

· SENFI, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,642

Applicant(s)

SUGIMOTO, HIDEO

Examiner

Behrooz Senfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 – 8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 11 of U.S. Patent No. 6,714,235. It is noted that claims 1 – 8 of the instant application is broader than the claims 1 - 11 of the U.S. Patent No. 6,714,235.

Regarding independents claim 1, it is noted that although the conflicting claims are not identical, they are not patentably distinct from each other because independent claim 1, of the instant application is broader than independent claim 1, of the U.S. Patent No. 6,714,235. In this case, it is noted that independent claim 1 of the instant application and independent claim 1, of U.S. Patent No. 6,714,235 recites an electronic endoscope selector comprising: A video signal switching processor that switch video signals and a synchronization signal switching processor and a switching control

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processor that drives the video signal switching processor and the synchronizing signal switching processor.

It is noted that claim 1, of the U.S. Patent No. 6,714,235, includes additional limitation (i.e. details of the switching control processor, which are; switching control processor drives the video signal switching processor for a predetermined period after period after driving the synchronizing signal switching processor, and suspends output of the video signals during the predetermined period; the video signal switching processor comprises: a first buffer circuit that receives the first video signals and controls ON and OFF states for outputting the first video signals, wherein the ON state permits output of the first video signals and the OFF state forbids output of the first video signals; and a second buffer circuit that receives the second video signals and controls ON and OFF states for output of the second video signals, wherein the ON state permits output of the second video signals and the OFF state forbids output of the second video signals; the switching control processor comprises: a first timer that sets the state of the first buffer circuit to the OFF state, which forbids the output of the first video signals, immediately after input of a control signal for setting the output of the first and second buffer circuit to the OFF state; and a second timer that sets the state of the second buffer circuit to the OFF state immediately after input of the control signal and sets the state of the second buffer circuit to the ON state after the predetermined period from completion of the input of the control signal; and a switching of the video signals is controlled by the control signal, which is alternately input to the first and second timer).

It is noted that the electronic endoscope selector as cited in claim 1, of the U.S. Patent

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6,714,235 without the additional limitation as cited above is the same as claim 1 of the instant application. Therefore claim 1, of the instant application is obvious over claim 1 of the U.S. Patent 6,714,23.

In view of the above, it is noted that allowing claims 1 – 8, of the instant application would unduly extend the timewise monopoly of the patent. Applicant needs to submit a terminal disclaimer.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa (US 5,243,416) in view of Takahashi et al. (US 5,877,802).

Regarding claims 1, Nakazawa '416 discloses "electronic endoscope selector and the video signal switching" (i.e. fig. 5, endoscopes 1a-1c, and switch 5 and control unit 8), and "a synchronizing signal switching processor that switches synchronizing signals, which are output to the peripheral device, from synchronizing signals fed from first electronic endoscope to synchronizing signals fed from the second electronic endoscope" reads on (fig. 5, switching device 5 and synch separator 6 and control unit 8).

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Nakazawa '416 fails to explicitly teach "switching control processor that suspends output of the video signals for a predetermined period while the switched synchronizing signals are output."

However, the above features are well-known and used in the prior art of the record as evidenced by Takahashi '802, in particular (fig. 2, controller 44, synch circuit 48, signal output controller 56, switch circuit 80 and switch circuit 82, col. 17, lines 55+ and col. 18, lines 33+) teaches the same. Taking the combination teaching of Nakazawa '416 and Takahashi '802 as a whole, it would have been obvious to one having ordinary skill in the art to modify the system of Nakazawa '416, as taught by Takahashi '802 for the purpose of preventing feeding of undesirable video signal to the peripheral.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

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(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. M. S. 

6/9/2005


VULE
PRIMARY EXAMINER